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PP RUEHCHI RUEHDT RUEHHM RUEHNH
DE RUEHGO #1185 3520931
ZNY CCCCC ZZH
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FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC PRIORITY 6938
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 0768
RUEHNE/AMEMBASSY NEW DELHI 4315
RUEHUL/AMEMBASSY SEOUL 7859
RUEHKO/AMEMBASSY TOKYO 5419
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 3423
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 1211
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L RANGOON 001185

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STATE FOR EAP AND IO; PACOM FOR FPA

E.O. 12958: DECL: 04/20/2017

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)

SUBJECT: JUSTICE WAITS ANOTHER DAY IN BURMA

REF: RANGOON 1178

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

11. (C) Summary. Pro-democracy activist Htin Kyaw's trial was postponed until December 26 and will now be held in Insein Prison rather than a courthouse in Rangoon. His health continued to decline due to his hunger strike and family and supporters were worried for his well being. Labor activist Su Su Nwe appeared before a special court in Insein Prison but neither her lawyer nor family were present and authorities did not provide any information about her. Imprisoned 88 Generation Students leaders have reportedly been moved from their isolated wing of Insein prison into the general population; some are sharing cells with hard-core criminals. End Summary.

12. (C) On December 18, Poloff joined Htin Kyaw's wife, attorney, and supporters at a downtown Rangoon courthouse to attend what was supposed to be the start of the detained activist's trial. Court was scheduled to convene at 10 a.m. but by 1 p.m. neither the prosecutor nor defendant had appeared. Shortly after that, the judge announced that the case had been postponed until December 26, at which time the court would reconvene inside Insein prison, not in a public Rangoon courthouse. Judge Khin Kyin Taw cited security concerns as the reason for the change in time and location.

13. (C) Htin Kyaw continues his 14-day-old hunger strike. His lawyer, Aung Thein, informed us his client has been moved from Pabedan Township Police Station to Insein prison's hospital ward. Family members who saw Htin Kyaw yesterday told his wife, Than Than Maw, that he refused the food they brought and asked them instead to donate it to a local monastery. His wife, who saw him on December 13, described his health as weak but noted he was still in good spirits. So far, his family's efforts to convince him to eat have been unsuccessful, but Than Than Maw insisted she would continue to persuade him to end his hunger strike. Aung Thein pointed out a trial of this nature could last as long as two months and worried his client may not last that long if he continued his hunger strike.

14. (C) On December 18, Su Su Nwe reportedly appeared before a special court in Insein Prison. However, neither her

lawyer nor family were informed of the appearance in advance and were not permitted to attend. Her lawyer, Khin Maung Shein appeared at the same Rangoon courthouse as Htin Kyaw's lawyer based on rumors the authorities would bring the detained labor activist there for a hearing. Poloff visited the courtroom responsible for her case and found no mention of her on the docket for today. Similarly court officials did not provide Khin Maung Shein with any information about his client's case or the time and location of her next scheduled appearance.

15. (U) We have also heard reliable reports that 88 Generation Students leaders detained in Insein prison were moved on November 17 from their isolated ward into the general population of the prison. 88 Generation leader Mya Aye has been assigned a cell with a man convicted of first degree murder and Min Ko Naing is also sharing a cell with a criminal detainee. Ko Ko Gyi has reportedly injured his back during a fall and Mya Aye is suffering from heart problems.

16. (C) Comment: The transfer of Htin Kyaw's and Su Su Nwe's trials into the closed courts of Insein prison indicates the regime intends to try and convict key pro-democracy activists out of the public eye. We need to highlight the complete denial of due process in Burma as further evidence of Than Shwe's refusal to heed international calls for genuine dialogue. Instead Than Shwe appears determined to lock up and silence any dissenting voices. End comment.
VILLAROSA